

1 The Honorable Marsha J. Pechman
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9
10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
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14 IN RE STARBUCKS CONSUMER
15 LITIGATION

16 MASTER CASE NO. C11-1985MJP

17 ORDER GRANTING PRELIMINARY
18 APPROVAL OF CLASS ACTION
19 SETTLEMENT AGREEMENT

20 Plaintiffs' Motion for Preliminary Approval of Class Action Settlement Agreement came
21 on for hearing before this Court on December 17, 2012. Having considered the papers submitted
22 in support of the motion, and having heard oral argument from the parties, and the Defendant
23 having stated its non-opposition and consent to the motion, pursuant to Fed. R. Civ. P. 23 the
24 Court HEREBY ORDERS THE FOLLOWING:

25 1. For settlement purposes only, the Court conditionally certifies a settlement
26 Class defined as "All persons who between December 9, 2007 and November 7, 2011
made a purchase from any company-owned Starbucks store in the United States of
scooped (i.e., not prepackaged) coffee beans in an amount less than one pound, other than
half-pound purchases during January to March 2008 of types of coffee that had half-
pound prices posted on menu boards during that time. Excluded from the Class are the
following: (1) Starbucks Corporation and any entity in which Starbucks Corporation has

1 a controlling interest and their respective legal representatives, officers, directors, assigns,
2 and successors; and (2) the judges to whom the Actions are assigned and any member of
3 the judges' staff and immediate family."

4 2. The Court appoints Jonah Cannon, James Kaen and Rachel Wassel as
5 representatives of the Class.

6 3. The Court grants preliminary approval of the settlement on the terms set
7 forth in the Settlement Agreement annexed to Plaintiffs' Motion for Preliminary
8 Approval of Class Action Settlement Agreement filed on November 30, 2012. The
9 Settlement Agreement appears to the Court on its face to be fair, adequate, and
10 reasonable. The Court, for purposes of this Preliminary Approval Order, adopts the
11 definitions set forth in the Settlement Agreement. Capitalized terms in this Preliminary
12 Approval Order shall have the same meaning as in the Settlement Agreement.

13 4. The Court approves, as to form and content, the Notice Plan which is
14 attached to the Settlement Agreement as Exhibit C. The Court finds that the notice of the
15 Settlement Agreement that will be provided to Class Members under the Notice Plan
16 meets the requirements of due process and provides the best notice practicable under the
17 circumstances and that it will constitute due and sufficient notice to all persons entitled
18 thereto.

19 5. The Court orders the following schedule for consideration of approval of
20 the Settlement Agreement:

21 a. Starbucks shall activate the Notice Plan in accordance with its
22 terms and the terms of the Settlement Agreement within 30 Days
23 after entry of this Preliminary Approval Order. The Court
24 authorizes the expenditure of funds from the Common Fund for
25 external expenses to conduct the Notice Plan as outlined in the
Notice Plan.

26 b. Any Class Member who wishes to object to any aspect of the
Settlement Agreement must, no later than 90 Days after entry of
this Preliminary Approval Order , file with the Court and provide

1 to Class Counsel and Starbucks' Counsel by delivery, certified or
2 registered mail, or CM/ECF service, a written statement that
3 includes (1) a detailed statement of the Class Member's
4 objection(s), as well as the specific reasons, if any, for each
5 objection, including any evidence and legal authority the Class
6 Member wishes to bring to the Court's attention and any evidence
7 the Class Member wishes to introduce in support of his or her
8 objection(s); (2) the Class Member's name, email and postal
9 address, and telephone number; and (3) information demonstrating
10 that the Class Member is entitled to be included as a member of the
11 Class. Any attorney retained by any Class Member at his or her
12 own expense for the purpose of making an objection to the
13 Settlement Agreement shall comply with the foregoing provisions
14 and shall in addition no later than 90 Days after entry of this
15 Preliminary Approval Order file with the Court and provide to
16 Class Counsel and Starbucks' Counsel by delivery, certified or
registered mail, or CM/ECF service, a notice of appearance on
behalf of the objecting Class Member. Class Members or their
attorneys intending to make an appearance at the Fairness Hearing
must, no later than twenty-one Days before the Fairness Hearing,
file a notice of intention to appear with the Court and provide to
Class Counsel and Starbucks' Counsel by delivery, certified or
registered mail, or CM/ECF service, a copy of the notice. Any
Class Member who fails to comply with the foregoing shall be
deemed to have waived his or her right to object to the Settlement
Agreement and shall have no right to appeal from any order or
judgment entered by the Court.

- 17 c. Any person who otherwise falls within the definition of the Class
18 who wishes to exclude himself or herself from the Class and not to
19 participate in the Settlement Agreement shall mail a written
20 request to do so, signed under penalty of perjury, to Class Counsel
21 postage prepaid and postmarked no later than 90 Days after entry
22 of this Preliminary Approval Order. Within five Days after that
date, Class Counsel will provide to Starbucks' Counsel and the
Class Action Administrator a list of any persons who have
requested exclusion from the Class.
- 23 d. Class Counsel shall file and serve their motion for their attorneys'
24 fees and costs no later than 97 Days after entry of the Preliminary
25 Approval Order.
- 26 e. Class Counsel shall file and serve their motion for final approval
no later than 30 Days before the Fairness Hearing.

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- 2 f. The Fairness Hearing shall be held at 9:00 a.m. on May 24, 2013.
- 3 The Fairness Hearing shall take place in Courtroom 14206, 14th
- 4 Floor, at the United States District Court for the Western District
- 5 of Washington at Seattle, 700 Stewart Street, Seattle, WA 98101.
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- 7 g. The Court confirms the law firms Shapiro Haber & Urmey LLP and
- 8 Block & Leviton LLP as Class Counsel and the law firm Byrnes
- 9 Keller Cromwell LLP as Liaison Counsel.
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- 11 h. The Court confirms Simpluris, Inc. as the Class Action
- 12 Administrator.

13 IT IS SO ORDERED, THIS 17th DAY OF DECEMBER, 2012.

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11 Marsha J. Pechman
12 Marsha J. Pechman
13 United States District Judge